

Habitat Improvement Program Biological Opinion

November 2003

- The Habitat Improvement Program Biological Opinion (HIP BO) is a programmatic opinion that addresses 27 fish and wildlife habitat improvement activities funded by BPA in response to its requirements under the Northwest Power Act of 1980 and the 2000 Biological Opinion on the operations of the Federal Columbia River Power System.
- The HIP BO will allow expedited Endangered Species Act Section 7 review of habitat projects with NOAA Fisheries. The HIP BO is available on BPA's web site so that project proponents have the opportunity to incorporate its provisions when designing projects. Proposed projects that incorporate and meet the requirements¹ of the HIP BO will be assured compliance with Section 7 of the Endangered Species Act and will require less processing time prior to on-the-ground implementation. The Opinion is posted in pdf format at: <http://www.efw.bpa.gov/cgi-bin/PSA/Introduction>.
- The process for implementing the HIP BO is as follows:
 1. BPA NEPA/ESA staff is contacted by COTR or project sponsor. We send a custom report to the project sponsor, tailored for the project that contains the description, terms and conditions, and effects for each activity proposed under the project. This saves people from having to look through the entire HIP BO to get this information.
 2. The project sponsor completes a HIP BO Consistency Form. BPA staff can provide assistance with this step. Minor deviations must be reviewed and approved by NOAA Fisheries; additional documentation may be required (the types of deviations that NOAA will allow are limited to those specifically spelled out in the HIP BO).
 3. BPA staff reviews completed Consistency Form.
 4. If the proposed project meets all of the requirements of the HIP BO, BPA staff will document the consistency determination and file the form.
 5. The project may then proceed (there is no requirement for NOAA Fisheries review unless there is a minor deviation and/or unless the project includes fish passage or screening which require an interactive design review process with NOAA Fisheries).
 6. The project sponsor implements the project, incorporating all applicable terms and conditions from the HIP BO.
 7. The project sponsor submits a project implementation report (due 120 after completion) and subsequent monitoring reports, as required by the terms and conditions. These requirements may involve additional costs.
 8. BPA compiles forms, monitoring reports, etc., and prepares and submits annual report to NOAA Fisheries.
 9. For those projects requiring site rehabilitation, BPA must review the project annually (up to 5 years) and give a final signoff when site rehab performance standards outlined in the site rehab plan have been met.
 10. BPA and NOAA Fisheries continue ongoing discussion on enhancing the HIP BO.

¹ The major requirements of the HIP Opinion are:

- The activity is within the categories of habitat improvement activities addressed in the Opinion.
- The direct and indirect effects of the activity are within the range of effects considered in the Opinion.
- The activity must meet all of the applicable Terms and Conditions.

- Other things to keep in mind:
 1. For now, we will still need to do a separate consultation with USFWS if bull trout or other listed aquatic or terrestrial species are present in the project area. We are working with them to see if we can get a similar programmatic approach for their listed species.
 2. For fish screening or fish passage projects, NOAA Fisheries engineering staff must be contacted during design so that they can provide sign off on engineering final plans.
 3. Herbicide use requires twice-yearly reporting; in October we are required to project what herbicide use is *proposed* for the upcoming year, and in March we need to report what herbicide use *actually occurred* the previous year. We will be sending out inquiry letters soon for the proposed herbicide use for next year. Please let me know if you have project sponsors that will be using herbicides in calendar year 2004 ASAP.

CATEGORY OF ACTION/ACTIVITY
<i>1. Planning and Habitat Protection Actions</i>
Stream Channel, Floodplain, and Uplands Surveys/ Installation of Stream Monitoring Devices
Fee-Title or Easement Acquisition, Cooperative Agreements, and/or Leasing of Land and/or Water
<i>2. Small Scale Instream Habitat Actions</i>
Streambank Protection using Bioengineering Methods
Install Habitat-Forming Natural Material Instream Structures (large wood and boulders)
Improve Secondary Channel Habitats
Riparian and Wetland Habitat Creation, Rehabilitation, and Enhancement
Fish Passage Activities
<i>3. Livestock Impact Reduction</i>
Construct Fencing for Grazing Control
Install Off-Channel Watering Facilities
Harden Fords for Livestock Crossings of Streams
<i>4. Control of Soil Erosion from Upland Farming</i>
Implement Upland Conservation Buffers
Implement Conservation Cropping Systems
Soil Stabilization <i>via</i> Planting and Seeding
Implement Erosion Control Practices
<i>5. Irrigation and water delivery/ management actions</i>
Convert Delivery System to Drip or Sprinkler Irrigation
Convert Water Conveyance from Open Ditch to Pipeline or Line Leaking Ditches and Canals
Convert from Instream Diversions to Groundwater Wells for Primary Water Source
Install New or Upgrade/Maintain Existing Fish Screens
Remove, Consolidate, or Improve Irrigation Diversion Dams
Install or Replace Return Flow Cooling Systems
<i>6. Native Plant Community Protection and Establishment</i>
Vegetation Planting
Vegetation Management by Physical Control
Vegetation Management by Herbicide Use
<i>7. Road Actions</i>
Road Maintenance
Bridge, Culvert, and Ford Maintenance, Removal or Replacement
Road Decommissioning
<i>8. Special Actions</i>
Install/Develop Wildlife Structures